

City Hall, City of Lodi
Wednesday, November 21st., 1928

Pursuant to adjournment taken from the regular meeting of November 19th., 1928, the City Council of the City of Lodi met in adjourned regular session at 7.45 o'clock P.M., Councilmen Hale, Roach, Shattuck and Spooner present, Councilman Weihe appeared at 8.10 o'clock and took his seat.

After prolonged discussion and explanation of the present situation by City Attorney Glenn West, the following resolution was introduced:-

RESOLUTION NO. 563.

Whereas, this City and the surrounding country is menaced by an impairment of its subterranean water supplies caused by activities on the upper waters of the Mokelumne River;

And whereas, it is urgent that some definite action be taken at this time in order to ascertain the best methods for protection of these valuable rights;

Be it Resolved by the City Council of the City of Lodi that the City Attorney of this City be directed, authorized and empowered to make such investigations as may be necessary and retain additional special legal council as he may need in order to determine the steps to be taken;

Be it Resolved also, that the pay of the City Attorney for such special work be, and the same is hereby increased to the sum of \$250.00 monthly for a period of three months from the date hereof.

The above Resolution No. 563 was thereupon introduced on motion and finally passed and adopted by the following vote:-

AYES: Councilmen, Weihe, Shattuck, Hale, Roach and Mayor Spooner.

NOES: Councilmen, None.

ABSENT: Councilmen, None.

The business of the evening being accomplished, the City Council adjourned until the day and hour of their next regular meeting.

Attest:-

J. F. Blakely
J. F. BLAKELY, City Clerk

The foregoing minutes read and approved without correction at a regular meeting of the City Council held December 3, 1928.

W. A. Spooner
Mayor of the City of Lodi

December 3, 1928.

Federal Power Commission,
Forest Service,
Ferry Building,
San Francisco, California.

Sirs:

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been assured to the City that its present municipal water supply, as now pumped from percolating waters, will not be jeopardized by the construction and operation of the Fardee Dam and the permitted diversion of water thereby from the Mokelumne River to the East Bay District, nor by the provision for diversion from the Mokelumne River northward into the Jackson Creek Watershed, as stipulated in your issued License for Lower Project No. 567; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, if any, should be taken by the prior vested rights along the said river looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said Fardee Dam.

Therefore, at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed

J. F. Blakely
City Clerk of the City of Lodi

Dated: Nov. 9, 1928

FEDERAL POWER COMMISSION

FIRST

In accordance with paragraph four of the preamble of the License for Project No. 567, has the City of Lodi, as a Municipality, lost its status before the Federal Power Commission as a potential objector to the said Project, either as a whole or in part, through not having filed with the Commission an official protest prior to the execution of the said License on the 24th day of June, 1926?

SECOND

By the terms of Article 10 in the said License, does the Commission reserve unto itself the right to hold the Licensee responsible and liable for damage done to the property of others through the construction and operation of the Fardee Dam, and is so by what procedure may the Licensee be obliged to compensate for such damage?

THIRD

Is Article 16 of the License to be interpreted to mean that the Commission construes all of the flow of the Mokelumne River at the Licensee Fardee Dam, "in excess of amounts carried through its aqueduct", to be "surplus waters" and that as such they may, insofar as the Federal Power Commission is concerned, be diverted northward into the Jackson Creek Watershed, and thereby completely sequestered from the vested rights southward and downstream from the Fardee Dam.

FOURTH

Referring to Article 17 of the License, does not the municipal permit No. 2459, as issued to the East Bay Municipal Utility

District by the State Division of Water Rights, recite that the point of natural flow diversion and of diversion to storage shall be at the Pardee Dam, and if so by what authority has the said Permittee and Licensee any jurisdiction over the retention and release by others of water impounded above and upstream from the Pardee Dam, provided such water is returned to the stream above the said Dam?

FIFTH

Referring to Article 24 of the License, wherein the power capacity of the proposed power development is taken as 9,300 horsepower, is this amount determined by the diversion and use of the 375 cubic feet per second as has been granted by the Division of Water Rights to the East Bay Municipal Utility District under power permit No. 2529?

SIXTH

In accordance with Article VII of the said power permit No. 2529, would the Federal Power Commission give its approval to the abandonment of such a power development should the Division of Water Rights allocate the said diversion to an agricultural or municipal applicant for diversion through the Jackson Creek Spillway, even though the power plant of the permittee should have been installed and in operation?

SEVENTH

Under the conditions recited in Article 28 of the License, has the Licensee the right to sell its power output, in whole or in part, to a purchaser irrespective of the geographical location of the proposed point of usage?

EIGHTH

Is the Federal Power Commission authorized and empowered to issue and maintain a Project License for a municipal and domestic diversion whereby a complete sequestration of water is made from a stream, and where such a project does not incorporate and maintain a power development?

NINTH

Does the Federal Power Commission, in its License of Project No. 567, undertake by the conditions recited in Article 18, to assure the prior vested rights, downstream from the Pardee Dam, the continued, unobstructed and unaltered use and right to use, of the percolating waters as now originate in and are available from the Mokelumne River?

TENTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?

Department of Public Works,
Division of Water Rights,
401 Public Works Building,
Sacramento, California.

Sirs:

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been

assured to the City that its present municipal water supply, as now pumped from percolating waters, will not be jeopardized by the construction and operation of the Pardee Dam and the permitted diversion of water thereby from the Mokelumne River to the East Bay District, nor by the provision for diversion from the Mokelumne River northward into the Jackson Creek Watershed, as stipulated in your issued permits Numbers 2459 and 2529; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, if any, should be taken by the prior vested rights along the said river looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said Pardee Dam.

Therefore at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed

J. F. Blakely
City Clerk of the City of Lodi

Dated: Nov. 9, 1928

DIVISION OF WATER RIGHTS.

FIRST

In accordance with Article II of permit No. 2459 issued to the East Bay Municipal Utility District, may the State Division of Water Rights at any time subsequent to the issuance of the permit, investigate the requirements of the vested users of percolating waters from the underground Basin of the Mokelumne River and if such an investigation so warrants, revise downward the amount of diversion by the permittee, even though the permittee shall have then completed its Project in anticipation of ultimately diverting the entire quantity of 310 cubic feet per second as designated in said permit?

SECOND

Referring to Article X of permit No. 2459: If, subsequent to the completion of the Pardee Dam the present water supply source of the City of Lodi is altered or diminished, what procedure would be necessary to determine whether or not such a condition was the direct result of the construction and operation of the said Pardee Dam? What presentation would the City of Lodi have to make to the Division of Water Rights to justify their investigation in accordance with Article II, should it be then the opinion and conclusion of the City that such an altered and diminished condition was the direct result of the construction of the said Dam?

THIRD

If, in accordance with Article II of permit No. 2459 such an investigation was deemed in order by the Division, subsequent to such a presentation by the City of Lodi, and was so ordered to be made and thereafter there should be a revision downward of the present allotment of water to the permittee, could such a revision be enforced? Has the Division of Water Rights the authority and power to cancel the permit in its entirety for the non-fulfillment, by the permittee, of any of the conditions of the said permit?

FOURTH

With reference to Article X of permit No. 2459, has permittee any written agreement with the Division of Water Rights binding said permittee to make such studies and investigations, and if so is such an agreement a public record? If such studies and investigations are being made, have the findings to date been filed with

the Division of Water Rights, and if not is it in order for the City Council of Lodi to request of the Division that a copy of such findings be provided by the permittee and transmitted to the said Council?

FIFTH

If such an investigation was so ordered, what agency would make such an investigation and what probable period of time would be required to complete the same and "determine with reasonable certainty the effect of the diversion and storage" as is proposed under permit No. 2459? By whom would the expense of such an investigation be borne and what body would determine finally where the responsibility would rest for any such alteration or diminution in the water supply of the City of Lodi?

SIXTH

If in accordance with Article IX of permit No. 2459 there should be an application for a diversion into the Jackson Creek Watershed, through the use of the Pardee Dam and the Jackson Creek Spillway, by what means would the Division of Water Rights determine the amount of water which would then be classified as "excess" water, if any, that would be available for such an applicant, as against a southward diversion and the requirements of the vested users of percolating waters of the Mokelumne River, downstream from the Pardee Dam?

SEVENTH

Referring to Article VI of permit No. 2459, what uses and purposes are contemplated by the Division of Water Rights in the recited limitation of diversion for "municipal purposes", and have such determinations been made by the Court?

EIGHTH

In reference to Article VIII of permit No. 2459, does the Division of Water Rights contemplate regulation of the permittee diversions "to satisfy all requirements" as applying to only prior applications in accordance with the Water Commission Act, or does such a regulating condition encompass prior vested rights?

NINTH

Does Article VII of permit No. 2529, issued to the East Bay Municipal Utility District for power purposes anticipate that should an agricultural application with a proposed diversion through the Jackson Creek Spillway be made, and for a portion or all of the recited 375 cubic feet per second, that the Division of Water Rights could and would so permit such a changed diversion of the same water after the present permittee had constructed the necessary power plant to make use of the said present permitted diversion?

TENTH

Again referring to Article VII of permit No. 2529 and Article VI of permit No. 2459, should there be a further application by the East Bay Municipal Utility District for a diversion in addition to that stipulated in their present permit No. 2459, or applications by any of the various Municipalities in the vicinity of the present route of the Utility District pipe line, whereby the proposed method of diversion and delivery would be through a joint use of the said pipe line, would the Division so permit such municipal diversions of a portion or all of the 375 cubic feet per second as recited in permit No. 2529?

ELEVENTH

If in accordance with the Pacific Gas and Electric Company applications Numbers 5161, 5240 and 6032 and permit No. 2100, the said company divert to storage the quantities of natural flow as therein designated "subject to vested rights", and such storage is subsequently returned to the bed of the Mokelumne River at Electra,

would such returned waters be subject to appropriation for diversion to either the East Bay District or through the Jackson Creek Spillway, in accordance with Section 17 of the Water Commission Act, together with the Opinion and Decision of the Division of Water Rights in the matter of application No. 3648?

TWELFTH

Are the agricultural applications Numbers 2409 and 2410 of Stephen Kieffer, filed with the Division of Water Rights prior to the acquisition by the East Bay Municipal Utility District of the proposed Pardee Reservoir Site, still pending and if so, what action is being taken by the applicant as indicating diligence that it will divert therecited quantities of the present natural flow of the Mokelumne River through the Jackson Creek Spillway?

THIRTEENTH

Under and in accordance with the conditions of the fore-going mentioned applications and permits, does the Division of Water Rights undertake to assure the vested rights, downstream from the Pardee Dam, the continued, unobstructed and unaltered use and right to the use of the percolating waters as now originate in and are available from the Mokelumne River, or is such an assurance a matter for determination by the Courts, subsequent to the initiating of litigation by the present proprietors of such vested rights?

FOURTEENTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?

East Bay Municipal Utility District,
Ray Building, 1924 Broadway,
Oakland, California.

Sirs:-

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been assured to the city that its present municipal water supply, as now pumped from percolating waters, will not be jeopardized after the completion and operation of the several proposed major dams along the Mokelumne River and the resulting aggregate diversions thereby from natural flow to storage of the greater portion of the annual run-off of the stream; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, if any, should now be taken by the prior vested rights along the said River looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said Dams.

Therefore, at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed

J. F. Blakely
City Clerk of the City of Lodi

Dated: November 9, 1928

EAST BAY MUNICIPAL UTILITY DISTRICT.

FIRST

If in accordance with your permit No. 2459, wherein you are permitted to make a certain diversion from natural flow and an additional diversion to storage, which will result in a definite sequestration of water from the Mokelumne River, as authorized by the Division of Water Rights; "subject to vested rights", you complete and operate the Pardee Dam, what assurance have such vested rights, downstream from the said Dam, of the continued present use and right to use of the now unobstructed and unaltered percolating waters as originate in and are available from the said River?

SECOND

If in accordance with your permit No. 2529, wherein you are permitted to make a certain diversion to storage, you proceed with the installation of a power plant to make use of such a diversion, and subsequently the said diversion is allocated to an agricultural or municipal applicant, as provided in Article VII of the said permit, have you any alternate but to abandon the use of the said power plant? Could and would you resist such a changed diversion and thereby prevent a further diminution of flow to vested rights below the Pardee Dam?

THIRD

Is there any truth in the persistent rumor that your organization is cooperating with and encouraging other Municipalities, adjacent to and in the vicinity of your present District, to join with you in a plan whereby such other Municipalities may participate in the use of water from the Mokelumne River? Article VI of your permit No. 2459 specifically provides that no water shall be diverted for use in other than the present East Bay Utility District, therefore if the rumor is true do you contemplate applying for an additional diversion for the present East Bay Municipal Utility District, or is it proposed that such applications will be made direct by the individual Municipalities which may seek the use of water from the Mokelumne River but to be delivered to them through your pipe lines?

FOURTH

What firm assurances are you prepared to give to prior vested rights, downstream from the Pardee Dam, that such rights will not be jeopardized and eventually totally lost by and through your proposed regulation, at and above the Pardee Dam, of the present natural and unobstructed flow of the Mokelumne River?

FIFTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?

Pacific Gas and Electric Company,
245 Market Street,
San Francisco, California.

Sirs:-

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been assured to the city that its present Municipal water supply, as now pumped from percolating waters, will not be jeopardized after the completion and operation of the several proposed major dams along the Mokelumne River and the resulting aggregate diversions

thereby from natural flow to storage of the greater portion of the annual run-off of the stream; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, if any, should now be taken by the prior vested rights along the said River looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said Dams.

Therefore, at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed:

J. F. Blakely
City Clerk of the City of Lodi.

Dated: November 9, 1926

PACIFIC GAS AND ELECTRIC COMPANY

FIRST

If in accordance with your applications Numbers 5161, 5240 and 6032, as now pending before the Division of Water Rights, together with your permit No. 2100, as issued by the said Division, you complete the Mokelumne Project as now proposed and return such temporarily stored diversions to the bed of the Mokelumne River at or below Electra, would, in your opinion, such returned waters be subject to appropriation for use elsewhere than in the Mokelumne River Basin, in accordance with Section 17 of the Water Commission Act?

SECOND

If such returned waters would be subject to appropriation, as indicated in the Opinion and Decision of the Division of Water Rights in the matter of application No. 3648, what assurance have the vested rights, downstream from Electra, that they will not be deprived of and totally lose such rights to the use of such waters through a further appropriation and subsequent diversion away from the Mokelumne River Basin?

THIRD

Does your agreement with the Winship Estate dated December 31st, 1924, commit you to deliver to the said Estate the same and identical water as referred to in your permit No. 2100 and application No. 5240, to the exclusion of any other appropriator, and if so is "such point" of delivery proposed to be above or below the high flow line of the said River?

FOURTH

In the matter of your present permit No. 2100 as issued by the Division of Water Rights, wherein you are permitted to make a certain diversion to storage "subject to vested rights", together with your pending applications, what firm assurances are you prepared to give to such prior vested rights that they will not be jeopardized and partially lost through your proposed acts on the Mokelumne River?

FIFTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?

Colorado Power Company,
1201 Crocker First Nat. Bank Building,
San Francisco, California.

Sirs:-

In pursuance of the decision of the Council of the City of Lodi to determine upon a procedure looking toward the protection and preservation of the present municipal water supply of the city which, it is feared, may be affected by the construction of the many proposed dams along the Mokelumne River; the Council has deemed the time opportune to seek such information as will be helpful in arriving at a conclusion as to what should be done to insure such protection.

Having actively in mind the official presentation made to the Council by your President, Mr. Lloyd Thayer, some months ago, wherein he sought the cooperation of the Council in the making of a Light and Power Survey of the territory immediately contiguous to the City of Lodi, looking toward the formation of a Utility District and the delivery thereto of the power output of your proposed plant; the Council believes that a more detailed understanding of your position relative to your proposed use of Mokelumne River water in the generating of electric energy may be helpful in an analysis of the many diversions as are now contemplated by various applicants and permittees of record with the State Division of Water Rights, and have therefore directed the Clerk to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed

J. F. Blakeley
City Clerk of the City of Lodi

Dated: November 9, 1928

COLORADO POWER COMPANY

FIRST

Is your power project predicated upon an appropriative or upon a riparian right?

SECOND

If the basis of your proposed power development is upon a riparian right, what amount of natural flow of the Mokelumne River do you propose to make economic, reasonable and beneficial use of?

THIRD

Does your present plan of power development contemplate the use of any of the waters proposed to be diverted to storage and subsequently released by the various applicants and permittees now of record with the Division of Water Rights?

FOURTH

Do you propose to develop head by the construction of a dam and the creation of a reservoir, or by means of by-passing your fee property with a conduit?

FIFTH

If you propose the construction of a dam, do you contemplate any regulation of the stream within the reservoir thus created?

SIXTH

Will your construction and operation program jeopardize, in any way, the vested rights to the use of the natural flow of the Mokelumne River downstream from your proposed development?

SEVENTH

What will be the effect upon your project if the various applicants and permittees of record with the Division of Water Rights are permitted to complete their proposed development on the Mokelumne River?

EIGHTH

Have you taken any legal action or do you propose to do so, against any of said applicants and permittees as above recited?

NINTH

If such legal action has been taken, would it be in order for the Council to request copies of such documents as may be of public record?

TENTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?

Mr. J. W. Preston, Jr.
350 Post Street,
San Francisco, California.

Dear Sir:-

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been assured to the city that its present Municipal water supply, as now pumped from percolating waters, will not be jeopardized after the completion and operation of the several proposed major dams along the Mokelumne River and the resulting aggregate diversions thereby from natural flow to storage of the greater portion of the annual run-off of the stream; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, in any, should now be taken by the prior vested rights along the said River looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said Dams.

Therefore, at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed

J. F. Blakely
City Clerk of the City of Lodi

Dated: November 9, 1928

J. W. PRESTON, JR.

FIRST

If with reference to your agricultural applications Numbers 1964 and 2099, now pending before the Division of Water Rights, you attempt to complete your Project as set forth therein, could the East Bay Municipal Utility District, or any other Municipal District, divest you of all or any portion of such applied for

water in accordance with Section 20 of the Water Commission Act?

SECOND

If you should not be successful in the disposition, through sale of water for irrigation use, of such water as you propose to store, regulate and divert in and from the Mehrton Reservoir, could you under your present applications assign to a Grantee and thereafter divert such water at or above the Pardee Dam of the East Bay Municipal Utility District and away from the Mokelumne River Basin?

THIRD

Under your pending applications Numbers 1964 and 2099, wherein you propose to divert from natural flow to storage at and into the Salt Springs Reservoir certain definite quantities of water is such proposed diverted and stored water intended and contemplated to be the same and identical water as is proposed to be diverted to storage by the Pacific Gas and Electric Company under their permit number 2100 and application number 5240 as issued and pending before the Division of Water Rights?

FOURTH

Does the Winship Estate (grantor) agreement with the Pacific Gas and Electric Company (grantee) dated December 31, 1924, commit the grantee to deliver to the grantor all of the water proposed to be used by the Pacific Gas and Electric Company through the Electra Power plant when enlarged or only the quantity as recited in the permits and applications as hereinbefore referred to?

FIFTH

Again referring to the agreement as above mention, in "such point" of delivery of water by grantee to grantor, proposed to be above or below the high flow line of the Mokelumne River, and does the grantee undertake to guarantee to the grantor the delivery of such water "subject to all reasonable losses occasioned by the grantee's use thereof" at any such point below, and downstream from Electra as may be designated by the grantee but subject to the approval of the grantor?

SIXTH

Assuming that your applications No. 1964 and No. 2099 will be confirmed and the Division of Water Rights will subsequently issue permits thereupon, what protection provision do you contemplate for the preservation of the prior vested rights lying downstream from the proposed Mehrton Reservoir?

SEVENTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne river?

Mr. Stephen E. Kieffer,
57 Post Street,
San Francisco, California.

Dear Sir:-

In pursuance of the many inquiries made to the members of the Council of the City of Lodi as to what protection has been assured to the city that its present municipal water supply, as

now pumped from percolating waters, will not be jeopardized after the completion and operation of the several proposed major dams along the Mokelumne River and the resulting aggregate diversions thereby from natural flow to storage of the greater portion of the annual run-off of the stream; the Council has deemed the time opportune to make inquiry for information which will be helpful in determining what steps, if any, should now be taken by the prior vested rights along the said river looking toward the preservation of the source of the present percolating waters which, it is feared, may be affected by the proposed obstructed and altered flow of the Mokelumne River resulting from the completion and operation of the said dams.

Therefore, at the order of the Council, the Clerk has been directed to respectfully request information pertaining to the queries as recited in the attached memoranda.

Signed:

J. E. Blakely
City Clerk of the City of Lodi.

Dated: November 9, 1928

STEPHEN E. KIEFFER

FIRST

If in accordance with your applications numbers 2409 and 2410, pending before the Division of Water Rights, you are subsequently given permits to proceed with the development, what protection provision do you contemplate for assuring to vested rights, downstream from the Pardee and diversion dam, the continued use and right to the use of percolating waters as now originate in and are available from the Mokelumne River below such proposed diversion point?

SECOND

Should you be subsequently given such permits to make such proposed diversions, and there was at that time a greater demand for such water in a location, other than that referred to in the said applications, would there be any restriction, and if so by what body, prohibiting the diversions of the said water to such a changed location of usage?

THIRD

Should such agricultural diversions as indicated in the said applications subsequently be made, is it now contemplated to generate electric energy at the proposed Dry Creek dam through the release of such diverted and impounded water from the proposed reservoir into a conduit which would convey the said water to the point of agricultural use?

FOURTH

If after completion of the proposed reservoir as indicated in your applications, an agricultural application were made by you proposing diversion through the Jackson Creek Spillway, of the 375 cubic feet per second as allotted in power permit No. 2529 to the East Bay Municipal Utility District, and in accordance with the reservation attached thereto, would you be permitted the usage of the said quantity of water for power development at the Dry Creek power house if any there be?

FIFTH

What proportion of the entire area proposed to be inundated by means of the Jackson Creek Spillway do you now control, and when do you anticipate that the said area will be inundated?

SIXTH

Can you make any suggestions which would be of assistance to the Council in their analysis of the problem of protection of vested rights along the Mokelumne River?